IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

LA.App..No. 1037 of 2001(D)

LAR.9/1996 of PRL.SUB COURT,IRINJALAKUDA
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APPELLANT:

KADUKUTTY GRAMA PANCHAYAT REPRESENTED BY ITS SECRETARY
KADUKUTTY, THRISSUR

BY ADV. SRI.P.K.ASHOKAN

RESPONDENTS:
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1. ANTONY,
S/O CHIRAMAL JOSEPH
KADUKUTTY

2. STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, THRISSUR

BY ADV. SRI.WILSON URMESE

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05/11/2007 ALONG WITH LAA NO.1038 OF 2001 AND CONNECTED CASES THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A Nos. 1037 & 1038 of 2001
and
L.A.A Nos. 2, 276 & 277 of 2002
and
L.A.A. No. 898 of 2005

Dated this the th day of November 2007

JUDGMENT

Harun-Ul-Rashid ,J

The above said appeals arise out of L.A.R. Nos. 9/1996, 6/1996,4/1996,5/1996,7/1996 and 8/1996 respectively on the file of the Sub court Irinjalakuda. All the above said Land Acquisition References and some other cases are filed together and a common judgment was passed on 31-1-2001. The acquisition of the properties covered by the above said L.A.R. cases, which are lying adjacent as single block was acquired for the construction of the Panchayath Shopping complex and Bus stand of Kadukutty Panchayath. The properties covered by all the L.A.R cases are acquired by a common notification published on 29-12-1992 and the properties are taken possession on 30-8-1995. The Land Acquisition Officer awarded land value at the rate of 5,700/- per are. Besides the land value of improvements and value of buildings are also awarded. There were buildings in the properties acquired in L.A.R. 6/19996 and 8/1996. According to the claimants the land value prevailing at the locality at the time of Section 4(1) notification was Rs.30,000/- per cent. The State of Kerala and the requisitioning authority namely Kadukutty Grama

Panchayath opposed the claim contending that the land value awarded by the Land Acquisition Officer is fair and reasonable. The claimants in support of their claim for enhanced compensation, examined AW1 to AW6 and also produced Ext.A1 to A7 documents. Ext C1 Commission report was also marked. Respondents did not adduce any oral evidence but produce Exts B1 to B4 documents.

2. The claimants deposed that the acquired property had got road frontage on the northern as well as western side of the acquired properties, and contended that the properties situated in an important place of the Kadukutty Panchayath and that there are several institutions like Banks, Churches, Educational institutions etc. situated near the acquired properties. The Commissioner in Ext.C1report reported that the acquired properties has got road frontage on the northern as well as western portion at about a length of 230 feet and that the acquired property is more valuable and important than the basic document property. Considering the importance of the locality and the prospects of the potentiality of the acquired properties, increase in value from 1988 to 1992 the court below is of the view that Rs.8,500/- per cent would be just and adequate land value for the acquired properties. For fixing the value as aforesaid, the court below relied on Ext.A2 to A4 documents, Sale deeds, the evidence of the Commissioner, C1 report and the oral evidence of the

claimants. The court below also found that the claimants are not entitled to get any enhanced compensation for the properties for the reasons stated in paragraphs 18 and 19 of the impugned judgment.

3. The value fixed by the court below on the basis of evidence on record , which requires no interference by this Court. The evidence was discussed in detail and the land value was arrived at on the basis of the evidence on record. The claimants are unable to prove their case that the land value fixed by the Land Acquisition Officer is not fair and reasonable. They have not chosen to adduce any oral evidence in support of their stand. We find no merit in these appeals.

4. In the result, these appeals are dismissed. There will be no order as to costs.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

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